

Group II. Claims 18-28, drawn to a temperature controllable lid, classified in class 118, subclass 723R; or

Group III. Claims 35-40, drawn to an electrode assembly, classified in class 118, subclass 723R.

In response to the restriction requirement, Applicants hereby elect, with traverse, Group I noted above, wherein Group I includes claims 1 – 17, 29 – 34, and 41 – 71.

The Office Action states Groups I and II as well as Groups I and III are related as combination/subcombination. Therefore, in view of this relationship, the inventions recited within the respective groups can be found “distinct” if it can be shown that: 1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability; and 2) that the subcombination has utility in and of itself or in other combinations. In an attempt to comply with these criteria, the Office Action has taken the position that the combination (Group I) as claimed does not require the particulars of the subcombinations (Groups II and III), as the processing apparatus does not require a temperature controllable lid or an electrode assembly, respectively. Further, the Office Action states that the subcombination has separate utility, such as in a processing chamber that does not require a chamber cover and/or retaining ring or in a processing chamber that does not require a lid having a first and second plates.

Applicants traverse the restriction requirement, and respectfully submit that combination/subcombination claims cannot be restricted without a clear showing that the claimed combination does not rely on the subcombination for patentability. In view of the Examiner’s brief comments in the Office Action, reconsideration of the restriction requirement is respectfully requested.

The Office Action further states that the application includes claims directed to the following patentably distinct species of the claimed invention:

Specie A, directed to a capacitive coupling processing chamber; and

Specie B, directed to an inductive coupling processing chamber.

The Office Action states that Applicants are required under 35 U.S.C 121 to elect a single species for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants hereby elect, with traverse, the “specie A” claims of Group I directed to a capacitive coupling processing chamber, and submit that claims 29 – 40

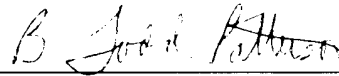
correspond to specie A of Group I. However, upon a finding of allowability of a generic claim, Applicants intend to pursue all species claims corresponding thereto.

Further to Applicants species election, Applicants traverse the species restriction requirement and respectfully submit that the Office Action has failed to state a proper basis for finding that the above noted species are patentably distinct. Therefore, in view of the showing necessary to support a proper species restriction, reconsideration of the species restriction is respectfully requested.

In view of the remarks presented above, Applicants respectfully request withdrawal and/or reconsideration of the restriction requirements relative to claims 1-71.

If for any reason the Examiner determines that the present application is not now in condition for allowance, the Examiner is requested to contact, by telephone, Applicants undersigned attorney to arrange for an interview, telephonic or in person, to expedite the disposition of this application.

Respectfully submitted,



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